HOUSE BILL NO. HB0042

Justice reform-graduated sanctions.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

- 1 AN ACT relating to criminal procedure and sentencing;
- 2 amending probation and parole intensive supervision program
- 3 provisions relating to rewards and sanctions; providing for
- 4 an appropriation; and providing for an effective date.

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6 Be It Enacted by the Legislature of the State of Wyoming:

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- 8 **Section 1.** W.S. 7-13-408(e), 7-13-1107(a), (b) (iii)
- 9 by creating new subparagraphs (C) through (E) are amended
- 10 to read:

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- 7-13-408. Probation, parole and conditional release
- 13 administrative jail or adult community correction program
- 14 sanction and revocation hearing procedures.

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1 department may establish by rule (e) The and system of imposing the 2 regulation a administrative 3 sanctions specified in W.S. 7-13-1107(b) as an alternative 4 to revocation of the parole of any parolee who has violated a condition of his parole or as an alternative to 5 revocation of the probation of any probationer who has 6 violated a condition of his probation. Parolees and 7 8 probationers committed to the county jail or a residential community correctional program pursuant to this subsection 9 shall be housed in accordance with W.S. 7-13-1107(c) or 10 11 7-18-115 (b).

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7-13-1107. Administrative rewards and sanctions for program violations.

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16 (a) The department is authorized to establish by rule
17 and regulation a system of administrative rewards for
18 positive behavior and sanctions as an alternative to
19 probation or parole revocation for probationers and
20 parolees who violate the rules and restrictions of an
21 intensive supervision program established under this
22 article or the conditions of probation or parole.

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1	(b) Authorized sanctions may include:
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3	(iii) Restrictions on personal liberty
4	including:
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6	(C) Immediate confinement in a county jail,
7	to be imposed as a two (2) day or three (3) day consecutive
8	period by the probation and parole agent with approval of
9	the field services administrator. The total of all
10	sanctions under this subparagraph shall not exceed eighteen
11	(18) days during the term of supervision. The imposition of
12	sanctions shall not require a hearing held in accordance
13	with W.S. 7-13-408 if:
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15	(I) The probationer or parolee is a
16	participant in the intensive supervision program pursuant
17	to W.S. 7-13-1105 or 7-13-1106;
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19	(II) The probationer is a qualified
20	offender sanctioned pursuant to W.S. 7-13-1303(d);
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22	(III) The parolee is subject to
23	sanctions under W.S. 7-13-408(e); or

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2	(IV) The probationer or parolee
3	consents to the administrative sanction provided for in
4	subparagraph (C) of this paragraph without a hearing.
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6	(D) Detention in a consenting county jail
7	coupled with substance abuse treatment contracted with and
8	paid by the department of corrections for a period not to
9	exceed ninety (90) days. Detention under this subparagraph
10	shall only be imposed for repeated substance abuse
11	violations during the probation sentence or period of
12	parole with the consent of the probationer or parolee or by
13	order of court. Detention under this subparagraph shall be
14	credited to the sentence. A custodial sanction under this
15	subparagraph shall only be available one (1) time to any
16	one (1) person;
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18	(E) Cumulative custodial sanctions imposed
19	under subparagraphs (A) and (B) of this paragraph shall not
20	exceed ninety (90) days per probation sentence or period of
21	parole supervision prior to revocation and shall be
22	credited to the sentence. Custodial sanctions imposed under

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1 subparagraphs (A), (B) and (D) of this paragraph shall

2 require a hearing held in accordance with W.S. 7-13-408.

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4 Section 2. There is appropriated one million three 5 hundred twenty-eight thousand five hundred ninety-six dollars (\$1,328,596.00) from the general fund to the 6 department of corrections. This appropriation shall be for 7 8 the period beginning with the effective date of this act and ending June 30, 2020. This appropriation shall only be 9 10 expended for the purpose of implementing the sanctions 11 authorized in this act. Notwithstanding any other provision 12 of law, this appropriation shall not be transferred or 13 expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall 14 15 revert as provided by law on July 1, 2020. This 16 appropriation shall not be included in the department of 17 corrections' 2021-2022 standard biennial budget request.

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19 Section 3. This act is effective July 1, 2018.

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21 (END)